

AMENDED IN ASSEMBLY MAY 1, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1155

Introduced by Assembly Member Dutra
(Coauthor: Assembly Member Koretz)

February 23, 2001

An act to ~~add Section 529.7 to~~ amend Section 529.5 of the Penal Code, relating to identity theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1155, as amended, Dutra. Identity theft.

Existing law governs the powers and duties of the Department of Motor Vehicles with respect to issuing drivers' licenses, identification cards, vehicle registration certificates, and other official department documents. *Existing law also makes it a crime to manufacture, offer for sale, sell, or transfer a document that falsely appears to be a government-issued identification card or driver's license. In addition, existing law makes it a crime for a person to obtain the personal identifying information of another person without that person's authorization and to use that information for any unlawful purpose.*

This bill would make it a ~~felony~~ crime for a ~~department~~ government employee to knowingly assist another person in obtaining a driver's license, identification card, vehicle registration certificate, or other official ~~department~~ document *issued by the Department of Motor Vehicles* to which that person is not entitled *if the government employee knows that the person is not entitled to that document and that the person intends to use the personal identifying information contained in that document for an unlawful purpose.*

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section ~~529.7~~ is added to the Penal Code, 529.5
2 of the Penal Code is amended to read:
3 ~~529.7. Any employee of the Department of Motor Vehicles~~
4 ~~who assists another in obtaining a driver's license, identification~~
5 ~~card, vehicle registration certificate, or any other official~~
6 ~~document issued by the department, with knowledge that the~~
7 ~~person is not entitled to that document, is guilty of a felony. read:~~
8 529.5. (a) (1) Every person who manufactures, sells, offers
9 for sale, or transfers any document, not amounting to counterfeit,
10 purporting to be a government-issued identification card or
11 driver's license, which by virtue of the wording or appearance
12 thereon could reasonably deceive an ordinary person into
13 believing that it is issued by a government agency, and who knows
14 that the document is not a government-issued document, is guilty
15 of a misdemeanor, punishable by imprisonment in a county jail not
16 exceeding one year, or by a fine not exceeding one thousand
17 dollars (\$1,000), or by both the fine and imprisonment.
18 ~~(b)~~
19 (2) Any person who, having been convicted of a violation of
20 subdivision (a), is subsequently convicted of a violation of
21 subdivision (a), is punishable for the subsequent conviction by
22 imprisonment in a county jail not exceeding one year, or by a fine
23 not exceeding five thousand dollars (\$5,000), or by both the fine
24 and imprisonment.
25 ~~(c)~~
26 (3) Any person who possesses a document described in
27 subdivision (a) and who knows that the document is not a

1 government-issued document is guilty of a misdemeanor
2 punishable by a fine of not less than one thousand dollars (\$1,000)
3 and not more than two thousand five hundred dollars (\$2,500). The
4 misdemeanor fine shall be imposed except in unusual cases where
5 the interests of justice would be served. The court may allow an
6 offender to work off the fine by doing community service. If
7 community service work is not available, the misdemeanor shall
8 be punishable by a fine of up to one thousand dollars (\$1,000),
9 based on the person's ability to pay.

10 ~~(d)~~

11 (4) If an offense specified in this section is committed by a
12 person when he or she is under 21 years of age, but is 13 years of
13 age or older, the court also may suspend the person's driving
14 privilege for one year, pursuant to Section 13202.5 of the Vehicle
15 Code.

16 (b) *Any person employed by a governmental entity who, as part*
17 *of a criminal enterprise, assists another person in obtaining a*
18 *driver's license, identification card, vehicle registration*
19 *certificate, or any other official document issued by the*
20 *Department of Motor Vehicles, with knowledge that the other*
21 *person is not entitled to that document and intends to use it in*
22 *violation of Section 530.5, is guilty of a public offense punishable*
23 *by imprisonment in a county jail not to exceed one year, a fine not*
24 *to exceed ten thousand dollars (\$10,000), or both that*
25 *imprisonment and fine, or by imprisonment in the state prison, a*
26 *fine not to exceed ten thousand dollars (\$10,000), or both that*
27 *imprisonment and fine.*

28 SEC. 2. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

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